IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION CIVIL ACTION NO. 2:12-CV-028-RLV-DCK

DEANA FAY JUDD,)
Plaintiff,)
v.	ORDER
CAROLYN W. COLVIN, Acting Commissioner of Social Security,)
Defendant.)

THIS MATTER IS BEFORE THE COURT on "Plaintiff's Petition For Attorney Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 19) filed December 22, 2014. This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and immediate review is appropriate. Having carefully considered the motion and record, and applicable authority, and noting consent of Defendant's counsel, the undersigned will grant the motion.

IT IS, THEREFORE, ORDERED that "Plaintiff's Petition For Attorney Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 19) is hereby **GRANTED**.

IT IS FURTHER ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of five thousand four hundred ninety-two dollars and forty-one cents (\$5,492.41) in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under EAJA. Pursuant to the United States Supreme Court's ruling in <u>Astrue v. Ratliff</u>, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines

that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor the Plaintiff's June 5, 2012 signed assignment of EAJA fees (Document No. 19-3) providing for payment of the subject fees to Plaintiff's counsel rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff, rather than to counsel.

SO ORDERED.

Signed: January 6, 2015

David C. Keesler

United States Magistrate Judge